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Attorneys for Defendants
Lee's General Toys, Inc., and
John Lee

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

CASE. NO. 07 CV 2391
(JAH POR)

GEORGIA-PACIFIC CONSUMER
PRODUCTS LP, a Delaware limited
partnership,

Plaintiff,

vs.

)
) SUPPLEMENTAL DECL. OF
) RON MARTINETTI
) OPPOSING PLAINTIFF'S
) EX PARTE APPLICATION
) FOR EXPEDITED
) DISCOVERY

LEE'S GENERAL TOYS, INC., a California
corporation, JOHN LEE, an individual; and
DOES 1-10,

Defendants.

SUPPLEMENTAL DECLARATION OF RON MARTINETTI OPPOSING PLAINTIFF
GEORGIA-PACIFIC'S APPLICATION FOR EXPEDITED DISCOVERY

I, Ron Martinetti, declare:

1. I represent Defendant Lee's General Toys and Defendant John Lee in the present matter.

2. On February 7, 2008 I faxed to Mr. Adam Welland, counsel for Georgia-Pacific thirty-five pages of invoices, bills of lading, custom broker orders, and packing lists that relate to the entire stock of Angelite tissue that Defendant Lee's General Toys imported from China. These items were contained in six container shipments that totaled 292,800 tissues. As my client has informed Defendant and the Court, 59,520 of these tissues remained in the warehouse at the time this action was filed--and the Angelite outer wrappings have now been removed and destroyed.

3. The thirty-five pages reflect that the first Angelite tissues were shipped from China in 2003 (in one container). The remaining items were shipped in 2007 in five other containers. Since my client trademarked the name Angelite in California in 2003, it strongly appears that Plaintiff Georgia-Pacific has slept on its rights (if any) since the company had constructive notice of the Angelite name.

4. However, Defendants have stopped selling any Angelite tissue pending the outcome of this case and have even informed distributors in writing that they will not refill any orders for Angelite tissue. These letters have been filed with the Court in connection with the pending motion for a preliminary injunction.

5. I will continue to cooperate with Plaintiff's counsel. However, I regard its request for expedited discovery as unneces-

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1 sary and unjustified.

2 I declare under penalty of perjury under the laws of the
3 United States and the state of California that the foregoing is
4 true and correct.

5 Executed this February 7, 2008 at Glendale, California.

Ram Martinetti

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PROOF OF SERVICE

I am employed in Los Angeles County, California; I am over the age of eighteen years and not a party to the within action. My business address is 520 East Wilson Glendale, California 91206.

On this date I served Supplemental Declaration of Ron Martinetti Opposing Plaintiff's Ex Parte Application for Expedited Discovery

by personal delivery (to the address below)

X
by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Post Office mail box at Glendale, California, addressed to:

Stephen Swinton, Esq.
Latham & Watkins
12636 High Bluff Drive, Suite 400
San Diego, California 92130-2071
Tel. 858-523-5400
FAX 858-523-5450

and via FAX to counsel for Georgia-Pacific Consumer Prod. (x)

(x) BY MAIL I sealed and placed such envelope for collection and mailing to be deposited in the mail on the same day in the ordinary course of business at Glendale, California. I am readily familiar with our law firm's practice of collecting and processing correspondence and documents for mailing. They are deposited with the U.S. Postal Service on the same day as dated, in the ordinary course of business.

(State) I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct.

(x) (Federal

The papers are also to be filed via e-mail.

I declare under penalty of perjury of the state of California that the foregoing is true and correct.

Executed this February 7, 2008 at Glendale, California 91206